

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STACY A. BORJAS, :
Plaintiff, : 23-CV-10829 (AT) (OTW)
-against- :
VALENTIN ORDER
NEW YORK CITY DEPARTMENT OF :
EDUCATION et al., :
Defendants. :
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ONA T. WANG, United States Magistrate Judge:

The Court has reviewed ECF Nos. 13, 14, 15, 16, and 18. Plaintiff filed this action, *pro se*, on December 13, 2023, against her former employer, the New York City Department of Education (“DOE”), school Principal Tiawanna Perez, Assistant Principal Victor Garcia, and Superintendent Jacqueline Rosado. On January 12, 2024, Judge Swain granted Plaintiff’s application to proceed *in forma pauperis*. (ECF Nos. 2 and 3). On March 4, 2024, Judge Torres entered an order of service directing the Clerk of Court to deliver to the U.S. Marshals Service (“USMS”) all necessary documents to effect service, referred this case to the Court’s Mediation Program, and referred the case to me for General Pretrial. (ECF Nos. 5–7). The USMS executed service on the New York City Department of Education on May 17, 2024 (ECF 15), but was unable to effect service on Tiawanna Perez (ECF 13)¹ and Victor Garcia (ECF 14).² In a letter dated June 6, 2023, Defendant DOE notes that their “office must make representation

¹ The USMS noted that “Person no longer works at above address 5/17/24 address listed is also incorrect for West Farm School[.]” (ECF 13).

² Similarly, the USMS noted that “Subject no longer works at above listed address – above listed address is incorrect 5/17/2023[.]”

determinations as to Defendants Rosado, Perez, and Garcia if and when they are served.” (ECF 18 at 2).

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit the DOE to identify school Principal Tiawanna Perez, Assistant Principal Victor Garcia, and Superintendent Jacqueline Rosado. It is therefore **ORDERED** that Defendant DOE must ascertain the addresses where the individual Defendants Tiawanna Perez, Victor Garcia, and Jacqueline Rosado may be served. Defendant DOE must provide this information to *pro se* Plaintiff and the Court within sixty (60) days of the date of this Order.

Within thirty (30) days of receiving this information, the Court will issue an order directing the Clerk of Court to complete the USM-285 forms with the addresses for the named Defendants and deliver all documents necessary to effect service to the USMS.

Should Defendant DOE seek to waive service as to the individual Defendants Tiawanna Perez, Victor Garcia, and Jacqueline Rosado, the waiver of service form can be found here: <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-1.pdf>.

Defendants’ motion for an extension of time from June 7, 2024 to **September 23, 2024**, to respond to the Amended Complaint (ECF 18) is **GRANTED**.

Plaintiff’s motion for a 90-day extension of time to serve Defendants is **GRANTED nunc pro tunc** from June 3, 2024 to **September 1, 2024**.

The Clerk of Court is directed to mail a copy of this order to *pro se* Plaintiff. The Clerk of Court is further directed to close ECF 18.

SO ORDERED.

Dated: June 7, 2024
New York, New York

/s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge